

AUG 01 2005

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August 1, 2005

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**FAX**

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Centralized Fax Department OIPE	571-273-8300	United States Patent & Trademark Office Alexandria, Virginia

Stephen C. MacDonald  
FROM

13  
PAGES (WITH COVER)

55979-0200  
REFERENCE NO

55979-314570  
CLIENT/MATTER NO.

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**COMMENTS**

The facsimile confirmation of the Patent Office imprinted hereon will acknowledge receipt of:

Inventor(s): **Juan Jose Legarda Ibanez**

Serial No.: 10/622,068

Filed: July 15, 2003

Title: Use of Flumazenil in the Production of a Medicament for the Treatment of Cocaine Dependency

Papers Submitted: Petition to Withdraw Holding of Abandonment; Statement in Support of Petition to Withdraw Holding of Abandonment including Exhibit 1 and 2

Docket No.: 55979-0200 (55979-314570)

Date Faxed: August 1, 2005

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81370

ATLANTA AUGUSTA CHARLOTTE LONDON MIAMI RALEIGH RESTON STOCKHOLM WASHINGTON WINSTON-SALEM

PAGE 1/17 \* RCVD AT 8/1/2005 2:03:53 PM [Eastern Daylight Time] \* SVR:USPTO-EFAX-6/34 \* DNIS:2738300 \* CSID:4048156555 \* DURATION (mm-ss):04-54

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AUG 01 2005

Patents

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Application of:

JUAN JOSE LEGARDA IBANEZ

Serial No. 10/622,068

Art Unit: 1614

Filed: July 15, 2003

Examiner: Unknown

For: USE OF FLUMAZENIL IN THE PRODUCTION OF A MEDICAMENT  
FOR THE TREATMENT OF COCAINE DEPENDENCYPETITION TO WITHDRAW HOLDING OF ABANDONMENT AND  
NOTICE OF PREVIOUS TIMELY MAILED CORRESPONDENCE  
UNDER 37 C.F.R. § 1.8(b)Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

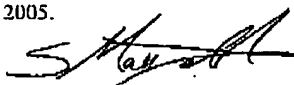
The applicant named in the patent application identified above hereby petitions under 37 C.F.R. § 1.8(b) to withdraw the holding of abandonment for this patent application.

The above-referenced patent application went abandoned on December 18, 2003 for failure to respond to a Notice to File Missing Parts. A routine status check of PAIR on July 15, 2005 revealed that the status of this application changed to ABANDONED as of June 7, 2005. No Notice of Abandonment was mailed. This petition is filed within two months of the date on which the Applicant became aware of the abandonment of the application on PAIR.

I hereby certify that this correspondence is being sent to the United States Patent and Trademark Office via facsimile transmission to 571-273-8300 attention Centralized Fax Department on August 1, 2005.

08/18/2005 JBALINAN 00000107 090946 10622068

05 FC:2251 60.00 DA

  
Stephen C. MacDonald, Ph.D. - Reg. No. 1,0063

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
U.S.S.N. 10/622,068  
PAGE 2**

**STATEMENT OF FACTS**

1. A Notice to File Missing Parts was mailed in the above-identified application on October 17, 2003 stating that the period for response was two months from the mailing date of the Notice.

2. A Response to the Notice to File Missing Parts was mailed on December 22, 2003 along with a Petition for a One Month Extension of Time. A copy of this Response is included herewith.

3. A Certificate of Mailing under 37 C.F.R. 1.8 was included on the first page of this Response submitted on December 22, 2003 signed by Legal Assistant Connie Kwon at Irell & Manella LLP.

4. This application was transferred to Kilpatrick Stockton LLP in April, 2005. A Revocation and Power of Attorney was filed on April 1, 2005 in this application. A review of PAIR in April, 2005, indicated that this application was still pending and awaiting examination.

5. A routine internal status check in July 2005 revealed that the status of this application was changed on June 7, 2005 to "Abandoned- Incomplete Application (Pre-examination)" for failure to respond to the Notice to File missing Parts mailed on October 17, 2003. No Notice of Abandonment was ever received.

6. A subsequent review of our files indicated that while a Response to the Notice to File Missing Parts was mailed and a copy remained in our file, no return postcard was

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**U.S.S.N. 10/622,068**  
**PAGE 3**

received from the Office for this submission providing evidence that the Office failed to receive this submission.

**FILING OF DOCUMENTS UNDER 37 C.F.R. 1.8**

Under 37 C.F.R. 1.8(b), the correspondence will be considered timely if: 1) the Patent Office is notified of the previous mailing of the correspondence promptly after becoming aware that the Patent Office has no evidence of the receipt of this correspondence, 2) an additional copy of the correspondence is supplied, and 3) a statement which attests on a personal knowledge basis to the previous timely mailing of the correspondence is included.

Pursuant to the requirements of 37 C.F.R. §1.8(b)(1-3), and a telephone conference with the Office of Petitions at the United States Patent and Trademark Office, the Applicant submits the following:

- (1) Notice to the Patent Office, in the form of this Petition, of the previous mailing of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) the Statement of Connie Kwon of Irell & Manella LLP which attests on a personal knowledge basis to the previously timely mailing of the correspondence, and
- (3) the previously mailed reply to the outstanding notice: Notice to File Missing Parts (attached as an exhibit to the Statement of Connie Kwon).

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**U.S.S.N. 10/622,068**  
**PAGE 4**

**RELIEF REQUESTED**

The Applicant respectfully requests that this application be revived and restored to pending status for examination on the merits.

It is believed that no fee is required for this submission. However, should a fee be required for this Petition, the Commissioner is hereby authorized to charge any fees required, to Account No. 11-0855. The Applicant also requests that the fees paid by deposit account charge in the Response to the Notice to File Missing Parts filed December 22, 2003 be charged instead to Deposit Account No. 11-0855.

Respectfully submitted,



Stephen C. MacDonald, Ph.D.  
Reg. No. L0063

Kilpatrick Stockton LLP  
Suite 2800  
1100 Peachtree Street  
Atlanta, Georgia 30309  
Tel: (404) 815-6500  
Fax: (404) 815-6555  
Attorney Docket No. 55979-0200 (314570)

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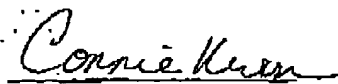
**APPLICANT:** Juan Jose Legarda Ibanez  
**SERIAL NO.:** 10/622,068 **GROUP ART UNIT:** 1614  
**FILED:** July 15, 2003 **EXAMINER:** Not assigned  
**FOR:** USE OF FLUMAZENIL IN THE PRODUCTION OF A MEDICAMENT FOR THE  
TREATMENT OF COCAINE DEPENDENCY

**STATEMENT IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT FOR NON-RECEIPT OF TIMELY FILED RESPONSE  
UNDER 37 CFR 1.8(b)(3)**

1. My name is Connie Kwon and I have personal knowledge of the facts set forth in this Statement.
2. I am a legal Assistant at the law offices of Irell and Manella LLP, 1800 Avenue of the Stars, Suite 900, Los Angeles, CA, 90067.
3. A Notice to File Missing Parts was mailed in the above-identified application on October 17, 2003. A copy of this Notice is enclosed herewith.
4. A Response to the Notice to File Missing Parts was mailed on December 22, 2003. A copy of this Response is enclosed herewith.
5. A certificate of mailing under 37 C.F.R. 1.8 is included on the first page of this Response submitted on December 22, 2003. My name and signature are on this Certificate of Mailing.
6. I attest on personal knowledge basis to the timely mailing of this Response to Notice to File Missing Parts on December 22, 2003.

U.S. Serial No. 10/622,068

6. I attest on personal knowledge or basis to the timely mailing of this  
Response to Notice to File Missing Parts on December 22, 2003.



Connie Kwon  
Legal Assistant- Irell & Manella LLP

Date: July 28, 2005

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant: Juan Jose Legarda Ibanez  
Serial No.: 10/622,068  
Filed: July 15, 2003  
For: USE OF FLUMAZENIL IN THE PRODUCTION OF A  
MEDICAMENT FOR THE TREATMENT OF COCAINE  
DEPENDENCY

**MISSING PARTS**

Attorney(s): Carol A. Schneider  
Docket No.: 158235-0009  
Date of Deposit: December 22, 2003  
Enclosure(s): Transmittal Letter; Assignment; Assignment Recordation Form  
Cover Sheet; Declaration; Power of Attorney; Copy of notice to  
file missing parts of nonprovisional application; Return Postcard

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